



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Yuma Field Office
2555 East Gila Ridge Road
Yuma, AZ 85365
www.az.blm.gov



CATEGORICAL EXCLUSION (CX) FORM

CX-AZ-320-2005-0017

PROJECT NAME: Mittry and Imperial Ponds Rx

TECHNICAL REVIEW:

(✓)	Program	Reviewer	Signature	Date
	Air Quality			
	Areas of Critical Environmental Concern			
	Botanical, including T & E Species			
	Communications (Dispatch)			
✓	Cultural Resources	Sandra Arnold		
	Energy Policy			
	Environmental Justice			
	Farmlands (Prime or Unique)			
✓	Fire Management	Mike Behrens		
	Floodplain			
	Lands/Realty			
✓	Land Law Examiner	Candy Holzer		
	Law Enforcement			
	Minerals			
✓	Native American Religious Concerns	Sandra Arnold		
	Non-Native Invasive Species			
	Operations			
✓	Recreation	Aaron Curtis		
	Socioeconomic			
	Soils			
	Standards for Rangeland Health			
	Surface Protection			
	Visual Resources			
	Wastes, Hazardous or Solid			
	Water Rights			
	Water Quality, Drinking or Ground			
	Wetlands/Riparian Zones			
	Wild & Scenic Rivers			
	Wilderness			
✓	Wild Horses and Burros	Roger Oyler		
✓	Wildlife, including T & E Species	David Repass		

Prepared by: _____

Mike Behrens
Fuels Specialist

Date: _____

Reviewed by: _____

Karen Reichhardt
Planning & Environmental Coordinator

Date: _____

Reviewed by: _____

Lester Tisino
Fire Management Officer

Date: _____

Name of Project: Mittry and Imperial Ponds Rx

Number: CX-AZ-320-2005-17

Location (legal description) Figure 3: T. 15 S., R. 24 E., Secs. 7 and 19 San Bernardino Meridian, Imperial County, California. (Imperial Ponds Units)
T. 7 S., R. 21 W., Secs. 7 and 18; T. 7 S., R. 22 W., Sec. 13 Gila and Salt River Baseline and Meridian., Yuma County, Arizona (Mittry Island Units)

Applicant: Bureau of Land Management (BLM) Yuma Field Office (YFO)

Description of Proposed Action: The BLM YFO purposes to undertake hazardous fuel reduction activities on the lands located within the Mittry Lake Cooperative Wildlife Management Area as well as the Imperial Ponds area. These activities would involve the utilization of prescribed fire at five sites totaling approximately 152 acres (Figures 1 and 2). The sites include the South Teale Alley (78 acres), the Horseshoe Island (21 acres), Mittry Test Fire (1 acre), Imperial Pond One (37 acres) and Imperial Pond Two (15 acres). The first three units are located in Arizona and the other two are located in California. The South Teale Alley unit will be surrounded by 210 acres of minimum management area (MMA). If fire spreads from this burn unit it will be suppressed, but the prescribed burn will not be declared a wildfire (Figure 1). Fire will not be considered a negative disturbance in these MMA areas because they are proposed future sites for management with prescribed fire. The likelihood of fire escaping the unit is minimal because prescribed weather conditions will require minimal winds and because of the large width of the channel surrounding the unit. The Imperial Pond One unit will have a small MMA totaling 6 acres (Figure 2). Likewise fire will not be considered an escape if it moves into the MMA, but it will be actively suppressed if it does.

The use of prescribed fire at these sites is necessary for several primary reasons. First, three of the sites (South Teale Alley, Imperial Pond 1, and Imperial Pond 2) would be burned as part of the *Fire effects on Yuma Clapper Rails and California Black Rails on the Lower Colorado River* Joint Fire Science Proposal (JFSP) (03-3-2-07). The principle investigator, Dr. Courtney Conway of the Cooperative Fish and Wildlife Research Unit at The University of Arizona would like to determine the effectiveness of utilizing prescribed fire as a disturbance agent to manage the federally endangered Yuma Clapper Rail (*Rallus longirostris yumanensis*) and California Black Rail (*Laterallus jamaicensis coturniculus*). The Horseshoe Island and Mittry Test Fire units would be burned to clear the sites to prepare it for revegetation of the island to cottonwood (*Populus fremontii*) and willow (*Salix spp.*). The burn unit preparation for the Imperial Pond One will require two 100 foot wide dozer lines on the eastern side of the unit in order to provide additional protection to an area of desirable mesquite and two power poles (Figure 2). The eastern most line is an old roadbed and the other line passes through open salt cedar that has burned in the last five years (Figure 2). Imperial Pond Two will require hand clearing of vegetation along the eastern side of the unit and the installation of portable sprinklers to keep fire within the unit (Figure 2). This would all be accomplished using hand tools, chainsaws, and clearing saws. All vegetative debris would be thrown into the unit and consumed by the prescribed burn. For all the sites the prescribed burns would reduce hazardous fuel loading and break up fuel continuity within the Mittry Lake and Imperial Ponds areas. The actions proposed in this Categorical Exclusion would improve the status of knowledge concerning rail management, allow for revegetation of Launch Island and Mittry Test Fire, and reduce the hazardous fuel loading within a Wildland Urban Interface (WUI) setting.

This categorical exclusion is the first phase in the development of prescribed burn programs for the Mittry and Imperial compartments. Surveys conducted by Dr. Courtney Conway's staff, the AZ Game and Fish Department, and YFO staff indicate that the South Teale Alley and Imperial Ponds areas are experiencing declines in rail use. Preliminary evidence from the JFSP work indicates that use of prescribed fire may simulate preferred forage conditions for rail species that floods would have provided before the Colorado River hydrology was altered. The Horseshoe Island and Mittry Test Fire units will be revegetated after the burn with cottonwood and willow poles. The revegetation portion of the Launch Island and Mittry Test Fire portion of the project is covered under the YFO planting programmatic environmental assessment. The Imperial Ponds areas and South Teale Alley are primarily cattails (*Typha app.*) with some occurrences of phragmites (*Phragmites australis*) and salt cedar (*Tamarix ramosissima/chinensis*). The Horseshoe Island area is primarily cattails and phragmites with an interior area of approximately 7 acres of salt cedar. The Mittry Test Fire area is primarily phragmites. Any clearing of vegetation at the Imperial Ponds areas for the fire lines on the eastern sides of the units (Figure 2) would be restricted to surface clearing of vegetation with mechanical ground disturbance limited to the two dozer lines that would be installed on the eastern edge of Imperial Pond One (Figure 2). While the prescribed burn action would create short term smoke impacts (less than a day), there would be no long term impacts to air quality.

Categorical Exclusion Reference: 516 DM 2, Appendix 1, 1.12 Categorical Exclusion for Hazardous fuels as cited in the Federal Register June 5, 2003. (68 FR 33813-33824)

Required Stipulations: All actions proposed in this Categorical Exclusion would occur before March 15th or after September 15th to avoid Southwestern willow flycatcher, and Western yellow billed cuckoo nesting and migration periods as well as the nesting periods of the Yuma clapper rail and California black rail. Site specific actions for the Imperial ponds would be to conduct surveys according to U.S.FWS protocol for the Southwestern willow flycatcher and Yuma clapper rail, to determine if nesting or territories occur within the project area. Any large tree skeletons left after the burns that are not safety hazards should be left standing for bald eagle perching sites. Extensive measures will be taken to prevent any escape of the wildfire into the SWFL habitat area north of the Imperial pond 2 prescribed burn. The unit will only be burned with a northerly wind to eliminate the possibility of fire spotting into SWFL habitat. Sprinklers, a water tender, and two type six engines, and hose lay would be in place in the highly unlikely event of slop over or spot fire in the habitat area. If the fire escapes, then full force suppression will take place and the wildfire will be fought aggressively providing for safety first. Crews will be instructed to use Minimum Impact Suppression Tactics (M.I.S.T) so as not to affect SWFL habitat.

Site specific actions for the Mittry Island units would be to leave large tree skeletons standing for bald eagle perching sites left after the burns. Where soil conditions allow; revegetation efforts should be taken to replace salt cedar, which is both invasive and a hazardous fuel, with native vegetation such as willow, mesquite, and appropriate wetland species. Poles, potted plants and seed stock are all suitable for revegetation efforts.

The project will use existing roads for vehicle, equipment and crew access to the burn units. The proposed actions will not be implemented until BLM has complied with the National Historic Preservation Act of 1966, as amended, implementing regulations 36 CFR 800, and other cultural resource laws and regulations. Consultations with the California and/or Arizona State Historic Preservation Offices will be completed as appropriate prior to implementation. The CX-AZ-320-2005-017

onsite BLM supervisor will notify the prescribed fire staff of cultural resource laws and regulations, and monitor staff compliance. Should cultural and/or paleontological resources be encountered during project ground-disturbing activities, work will cease in the area of the discovery and the BLM will be notified immediately. Work may not resume until written authorization to proceed is issued by BLM. All air quality regulations as required by the Arizona Department of Environmental Quality and the Imperial County Air Quality District would be followed. All burns would be conducted as directed under an approved burn plan.

Compliance and Monitoring Responsibility: Post fire monitoring of rail populations will be conducted by Dr. Courtney Conway's staff and the Arizona Game and Fish Department. The burns will be conducted by YFO-BLM staff.

Decision:

BLM has determined that the proposal conforms to the land use plan, is in accordance with the categorical exclusion criteria, and that it will not involve any significant adverse environmental effects. Therefore, it is categorically excluded from further environmental review. The Proposed Action will have no effect on the President's Energy Policy and a Statement of Adverse Energy Impact is not required. The proposed action will be implemented subject to the stipulations within the authorizing document.

Approved by: _____

Thomas Zale
Acting Field Manager

Date: _____

Categorical Exclusion Review

Department of the Interior Departmental Manual 516 2.3.A(3) provides for a review of the following categorical exclusion criteria to determine if exceptions apply to this project. The following exceptions apply to individual actions within categorical exclusions (CX). Environmental documents must be prepared for actions which may:

	<u>YES</u>	<u>NO</u>
1 Have adverse effects on public health or safety.	_____	___ <u>X</u> ___
2 Have adverse effects on such unique geographic characteristics as historic or cultural resources, parks, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or main drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks.	_____	___ <u>X</u> ___
3 Have highly controversial environmental impacts.	_____	___ <u>X</u> ___
4 Have highly uncertain and potentially significant environmental effects, or involve unique or unknown environmental risks.	_____	___ <u>X</u> ___
5 Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.	_____	___ <u>X</u> ___
6 Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.	_____	___ <u>X</u> ___
7 Adversely affect properties listed, or eligible for listing, on the National Register of Historic Places.	_____	___ <u>X</u> ___
8 Adversely affect species listed, or proposed for listing, on the List of Endangered or Threatened Species, or adversely affect designated critical habitat for these species.	_____	___ <u>X</u> ___
9 Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act.	_____	___ <u>X</u> ___
10 Threaten to violate federal, state, local, or tribal law, or requirements imposed for protecting the environment.	_____	___ <u>X</u> ___

PEP - ENVIRONMENTAL STATEMENT MEMORANDUM NO. ESM03-2

To: Heads of Bureaus and Offices

From: Willie R. Taylor, Director
Office of Environmental Policy and Compliance

Subject: Guidance for Preparing a Decision Memorandum When Using the Department's
Categorical Exclusions for Fuels Treatment or Rehabilitation

The requirements in this Environmental Statement Memorandum (ESM) are being issued under the authority provided to the Office of Environmental Policy and Compliance (OEPC) by 381 Departmental Manual (DM) 4.5B, to convey instructions and guidance through its Environmental Memoranda Series, and by 516 DM 6.2, which authorizes OEPC to provide advice and assistance to the Department on matters pertaining to environmental quality and for overseeing and coordinating the Department's compliance with NEPA, the CEQ regulations, and 516 DM 4.22, which authorizes OEPC to provide further guidance concerning NEPA.

This memorandum supplements 516 DM 2, Appendix 1 for categorical exclusions 1.12 and 1.13 only. These categorical exclusions concern hazardous fuels reduction and fire rehabilitation activities. These categorical exclusions were published in the Federal Register on June 5, 2003 (see: 68 FR 33813-33824).

When applying these categorical exclusions, bureau field managers must prepare a decision memorandum containing the elements of the attached template to support the use of these categorical exclusions. Bureau checklists or other existing documentation may be used in conjunction with this template. Also, existing bureau documentation may be used as a basis to create new bureau guidance to implement this Departmental guidance. However, any changes from the attached template must be approved by this office.

Decision Memorandum
Support Application of Departmental Categorical Exclusions 1.12
516 DM 2, Appendix 1

Decision Memorandum on Action and for Application of:

Categorical Exclusion 1.12

Mittry and Imperial Ponds Rx
US Department of the Interior
Bureau of Land Management
Yuma Field Office
Yuma, AZ

Purpose and Need for the Action

The BLM YFO proposes to undertake hazardous fuel reduction activities on the lands located within the Mittry Lake Cooperative Wildlife Management Area as well as the Imperial Ponds area. These activities would involve the utilization of prescribed fire at five sites totaling approximately 152 acres (Figures 1 and 2). The sites include the South Teale Alley (78 acres), the Horseshoe Island (21 acres), Mittry Test Fire (1 acre), Imperial Pond One (37 acres) and Imperial Pond Two (15 acres). The first three units are located in Arizona and the other two are located in California. The South Teale Alley unit will be surrounded by 210 acres of minimum management area (MMA). If fire spreads from this burn unit it will be suppressed, but the prescribed burn will not be declared a wildfire (Figure 1). Fire will not be considered a negative disturbance in these MMA areas because they are proposed future sites for management with prescribed fire. The likelihood of fire escaping the unit is minimal because prescribed weather conditions will require minimal winds and because of the large width of the channel surrounding the unit. The Imperial Pond One unit will have a small MMA totaling 6 acres (Figure 2). Likewise fire will not be considered an escape if it moves into the MMA, but it will be actively suppressed if it does.

The use of prescribed fire at these sites is necessary for several primary reasons. First, three of the sites (South Teale Alley, Imperial Pond 1, and Imperial Pond 2) would be burned as part of the *Fire effects on Yuma Clapper Rails and California Black Rails on the Lower Colorado River* Joint Fire Science Proposal (JFSP) (03-3-2-07). The principle investigator, Dr. Courtney Conway of the Cooperative Fish and Wildlife Research Unit at The University of Arizona would like to determine the effectiveness of utilizing prescribed fire as a disturbance agent to manage the federally endangered Yuma Clapper Rail (*Rallus longirostris yumanensis*) and California Black Rail (*Laterallus jamaicensis coturniculus*). The Horseshoe Island and Mittry Test Fire units would be burned to clear the sites to prepare it for revegetation of the island to cottonwood (*Populus fremontii*) and willow (*Salix spp.*).

Plan Conformance

The Proposed Action is consistent with the following documents:

1. Yuma District Resource Management Plan and Environmental Impact Statement (pp. 7, 8, 14,15).
2. The Final Environmental Impact Statement Vegetation Treatment on BLM Lands in Thirteen Western States (pp. 1.5,1.17, 3.7 - 3.94).
3. The Arizona Land Use Plan Amendment for Fire, Fuels, and Air Quality (p. 4-18)

The Proposed Action was designed in conformance with all Bureau standards and incorporates appropriate guidelines for specific required and desired conditions relevant to project activities. The Proposed Action would have no effect on the President's Energy Policy and a Statement of Adverse Energy Impact is not required.

Compliance with the National Environmental Policy Act

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, 1.12. The proposed action is the utilization of prescribed fire to manage Yuma clapper rail and black rail habitat.

The application of this categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects which may significantly affect the environment. The Proposed Action meets the Department of the Interior Departmental Manual 516 2.3.A (3) criteria for a review of the following categorical exclusion and determined no exceptions apply to the project. Extraordinary circumstances are defined in 516 DM 2, Appendix 2.

I considered affects to the following species:

- a. Southwestern willow flycatcher (*Empidonax traillii extimus*) **E**

- b. Bald eagle (*Haliaeetus leucocephalus*) **T**
- c. Yuma clapper rail (*Rallus longirostris yumanensis*) **E**
- d. Yellow-billed cuckoo (*Coccyzus americanus*) **C**
- e. Proposed Critical Habitat for the SWFL.

I have therefore determined that the proposal:

- Not likely to adversely affect the southwestern willow flycatcher because implementation will avoid southwestern willow flycatchers during nesting and migration. Small stands of native vegetation adjacent to the project area will be protected by fire lines, fire engines, sprinklers, and staying within the burn prescription. The SWFL is likely to benefit from the planting of willow trees because of the habitat they would provide.
- Not likely to adversely affect the yellow-billed cuckoo because implementation will avoid yellow-billed cuckoo nesting and migration. Small stands of native vegetation adjacent to the project area will be protected by fire lines, fire engines, sprinklers, and staying within the burn prescription. The cuckoo is likely to benefit from the planting of willow trees because of the habitat they would provide.
- Not likely to adversely affect bald eagle because bald eagles are highly unlikely to roost in the small adjacent trees. In addition, if one is found within the action area, all activities will cease until it has left.
- Not likely to adversely affect the Yuma clapper rail because the presence of rails within the proposed project area is when they are readily mobile. Previous years surveys, (2001-2004), have shown that the potential for Yuma clapper rails to be within the project area is low during months when prescribed burning would take place (October - February).

I considered effects to cultural resources through the use of BLM cultural resource compliance documentation records. Actions outlined in the proposed project description would be taken to preserve any cultural resources that may be found during the project implementation.

Persons and Agencies Consulted

The Arizona Game and Fish Department and the Yuma Valley Rod and Gun Club were consulted during the project design phase of this project and are supportive partners. Informal consultation was performed with the U.S. Fish and Wildlife Service.

Decision and Rationale on Action

I have decided to implement the Mittry and Imperial Ponds prescribed fire project. The proposed action of burning 152 acres of rail habitat meets the need for action. In addition, I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required.

Implementation Date

This project will be implemented after concurrence by U.S.F&WS.

Thomas Zale
Acting Yuma Field Manager

Date

Administrative Review or Appeal Opportunities

Decision is subject to administrative appeal. 43 CFR part 4.470 sets fourth the procedures for appeals. Attachment A describes how to appeal the decision.

Contact Person

For additional information concerning this decision, contact Mike Behrens, Yuma Field Office 2555 Gila Ridge Rd. Yuma AZ 85364. (928) 317-3228.

Attachment A

How to Appeal (Overview of BLM's NEPA Process BLM Desktop Reference June 1999)

- (1) A notice of appeal must be filed with the officer who made the decision(s) within 30 days after the date of publication or date of service (i.e., Federal Register Notice or other decision notice) [4.411(a)].
- (2) No extension of time will be granted for filing the notice of appeal [4.411(c)].
- (3) A statement of reasons, standing, written arguments, briefs, ect. must be filed with the decisionmaker within 30 days after the notice of appeal.
- (4) Once the appeal is received by the decisionmaker, he/she must forward the appeal through the proper channels to IBLA.
- (5) The proper channel for processing an appeal may vary according to program-specific appeals procedures set forth in 43 CFR part 4.

Appeals are reviewed and decided according to first – the standing of the appellant, and second – the merits of the appeal.